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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,870	11/02/2000	Shigeto Sakakibara	3064NG/49375	2296

7590 09/02/2004  
Crowell & Moring LLP  
Intellectual Property Group  
P O Box 14300  
Washington, DC 20044-4300

EXAMINER
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VU, NGOC K

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/703,870

Applicant(s)

SAKAKIBARA, SHIGETO

Examiner

Ngoc K. Vu

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 1** recites the limitation "the frequency bands" in line 7, page 40. There is insufficient antecedent basis for this limitation in the claim.

There is insufficient antecedent basis for the limitation "the presence of said broadcasting station" in lines 18-19, page 40.

There is insufficient antecedent basis for the limitation "the number of station present channels in the channel plan" in lines 19-20, page 40.

There is insufficient antecedent basis for the limitation "the broadcasting stations" in line 23, page 40.

There is insufficient antecedent basis for the limitation "the error data off a center frequency" in lines 24-25, page 40.

There is insufficient antecedent basis for the limitation "the channel number" in line 25, page 1 to line 1, page 41.

There is insufficient antecedent basis for the limitation "the channel frequency of a station" in line 2, page 41.

There is insufficient antecedent basis for the limitation "all the stations" in line 4, page 41.

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There is insufficient antecedent basis for the limitation "the number of error data" in line 10, page 41.

There is insufficient antecedent basis for the limitation "the largest group" in lines 10-11, page 41.

There is insufficient antecedent basis for the limitation "the counted channel number for said first channel plan" in lines 13-14, page 41.

There is insufficient antecedent basis for the limitation "the counted channel number for said second channel plan" in lines 15-16, page 41.

There is insufficient antecedent basis for the limitation "the channels" in line 19, page 41.

There is insufficient antecedent basis for the limitation "the count number for said first channel plan" in lines 20-21, page 41.

There is insufficient antecedent basis for the limitation "the count number for said second channel plan" in lines 21-22, page 41.

There is insufficient antecedent basis for the limitation "the channels of the error data" in line 25, page 41 to line 1, page 42.

**Claim 2** recites the limitation "the error data off a center frequency" in lines 14-15, page 42. There is insufficient antecedent basis for this limitation in the claim.

There is insufficient antecedent basis for the limitation "the channel frequency of a station" in lines 16-17, page 42.

There is insufficient antecedent basis for the limitation "the stations" in line 18, page 42.

There is insufficient antecedent basis for the limitation "the error data first stored in said memory" in line 20, page 42.

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There is insufficient antecedent basis for the limitation "the reference error data" in line 21, page 42.

There is insufficient antecedent basis for the limitation "the error data stored subsequently" in line 21, page 42.

There is insufficient antecedent basis for the limitation "the comparative error data" in line 22, page 42.

There is insufficient antecedent basis for the limitation "the same groups" in line 2 page 43.

There is insufficient antecedent basis for the limitation "the coincidence number" in line 3, page 43.

There is insufficient antecedent basis for the limitation "the next reference error data" in line 8, page 43.

There is insufficient antecedent basis for the limitation "the largest group among the thus obtained groups" in lines 19-20, page 43.

There is insufficient antecedent basis for the limitation "the number of station" in line 20, page 43.

Regarding **claim 1**, it is unclear whether "a broadcasting station" recited in line 16, page 40, is the same as "a broadcasting station" recited previously in lines 10-11, page 40.

Regarding **claim 1**, it is unclear which "the channel plan" recited in line 20, page 40, referred to (i.e., first channel plan or second channel plan).

Regarding **claim 1**, it is unclear how making a comparison between "the error data and the error data" as recited in lines 5+, page 41.

Regarding **claim 1**, it is unclear what "the largest group" recited in lines 10-11, page 41, referred to.

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Regarding **claim 2**, it is unclear what "the same group" recited in line 2, page 43, referred to.

Regarding **claim 2**, it is unclear what "the largest group" and "the thus obtained groups" recited in lines 19-20, page 43, referred to.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu  
Examiner  
Art Unit 2611

August 30, 2004